



Respectfully submitted,

s/ Geri Hernandez Geiler (by Ward  
Washington per tel. auth. 3/24/05)

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Trial Attorney for Defendants

s/ Barbara Bison Jacobson

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Trial Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JANIE SAMUEL,	:	
AS ADMINISTRATOR OF	:	Case No. C-1-02-378
THE ESTATE OF	:	
CATHY LYNN TUBBS, et al.,	:	Judge Michael H. Watson
	:	
Plaintiffs,	:	
	:	
-vs-	:	
	:	
STEVEN M. HOOG, et al.,	:	<u>MEMORANDUM IN SUPPORT OF</u>
	:	<u>JOINT MOTION FOR MODIFICATION</u>
Defendants.	:	<u>OF SCHEDULING ORDER</u>
	:	

Plaintiffs, Janie Samuel, et al. and Defendants Steven M. Hoog, et al., hereby jointly move for an order modifying the scheduling order in order to allow for a 90 day extension of the deadline for disclosure of Plaintiff's expert witnesses and submission of Plaintiff's expert reports to June 30, 2005, and for corresponding extensions to Defendant's expert deadlines, witness list and summary exchange deadline, discovery deadline, dispositive motion deadline, joint final pretrial order, final pretrial conference, jury instruction deadline and trial schedule.

No discovery has yet been conducted in this case. Defendants filed a motion to dismiss Plaintiffs' claims on July 29, 2004 based, among other things, upon a claimed right to qualified immunity. No discovery was conducted or could proceed pending the resolution of this motion. The Court's Order denying Defendant's Motion to Dismiss was entered March 14, 2005. Plaintiff's deadline for identifying primary experts and producing primary expert reports

under the current scheduling order is March 31, 2005. As neither Plaintiffs nor Defendants have had the opportunity to conduct discovery in this case, we jointly request that the Court extend the dates in the current Calendar Order for 90 days to permit a reasonable period in which to conduct discovery in this matter, and that the trial of this matter be set for March 6, 2006, or as soon thereafter as is convenient for the Court.

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Trial Attorney for Plaintiffs

#### **CERTIFICATE OF SERVICE**

I hereby certify that on March 28, 2005, I electronically filed the foregoing with the Clerk of Court using the CM/ECF which will send notification of such filing to Geri Hernandez Geiler, Sr. Assistant City Solicitor, Room 214 City Hall, 801 Plum Street, Cincinnati, Ohio 45202.

s/ Barbara Bison Jacobson  
Barbara Bison Jacobson